

File No. 240676

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 11, 2024

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
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OTHER (Use back side if additional space is needed)

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|-------------------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
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Completed by: Victor Young

Date July 3, 2024

Completed by: _____

Date _____

[Charter Amendment - Student Success Fund]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2024, to amend the Charter of the City and County of San Francisco to provide that money set aside for the San Francisco Unified School District in the Student Success Fund cannot replace, supplant, count as, or substitute for other City funding for the School District or children and youth required under the Children and Youth Fund, the Public Education Enrichment Fund, or other provisions in the Charter.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 5, 2024, a proposal to amend the Charter of the City and County by revising Section 16.131, to read as follows:

NOTE: **Unchanged Charter text and uncodified text** are in plain font.
Additions are single-underline italics Times New Roman font.
Deletions are ~~strike-through italics Times New Roman font~~.
Asterisks (* * * *) indicate the omission of unchanged Charter subsections.

SEC. 16.131. STUDENT SUCCESS FUND.

(a) **Establishment of Fund.** There is hereby established the Student Success Fund (“the Fund”) to be administered by the Department of Children, Youth, and Their Families (the “Department”), or any successor agency. Monies therein shall be expended or used solely by the Department, subject to the budgetary and fiscal provisions of the Charter, for the purposes set forth in this Section 16.131.

* * * *

(d) **Annual Appropriations to the Fund.**

(1) In Fiscal Year 2023-2024, the City shall appropriate \$11 million to the Fund (an amount that is equivalent to approximately 3.1% of the anticipated value of Excess ERAF for

1 Fiscal Year 2023-24, as projected by the Controller on June 1, 2022). In Fiscal Year 2024-2025,
2 the City shall appropriate \$35 million to the Fund (an amount that is equivalent to approximately
3 9.4% of the anticipated value of Excess ERAF for Fiscal Year 2024-25, as projected by the
4 Controller on June 1, 2022). In Fiscal Year 2025-2026, the City shall appropriate \$45 million to
5 the Fund (an amount that is equivalent to approximately 11.5% of the anticipated value of Excess
6 ERAF for Fiscal Year 2025-26, as projected by the Controller on June 1, 2022). In Fiscal Year
7 2026-2027, the City shall appropriate \$60 million to the Fund (an amount that is equivalent to
8 approximately 14.6% of the anticipated value of Excess ERAF for Fiscal Year 2026-27, as
9 projected by the Controller on June 1, 2022).

10 (2) In each year from Fiscal Year 2027-2028 through Fiscal Year 2037-2038, the
11 City shall appropriate to the Fund an amount equal to the prior year's appropriation, adjusted by
12 the percentage increase or decrease in aggregate discretionary revenues, as determined by the
13 Controller, based on calculations consistent from year to year, provided that the City may not
14 increase appropriations to the Fund under this subsection (d)(2) by more than 3% in any fiscal
15 year. In determining aggregate City discretionary revenues, the Controller shall only include
16 revenues received by the City that are unrestricted and may be used at the option of the Mayor
17 and the Board of Supervisors for any lawful City purpose.

18 (3) Notwithstanding subsections (d)(1) and (d)(2), the City may freeze
19 appropriations to the Fund for any fiscal year after Fiscal Year 2023-2024 at the prior year
20 amounts when the City's projected budget deficit for the upcoming fiscal year at the time of the
21 March Joint Report or March Update to the Five Year Financial Plan as prepared jointly by the
22 Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds
23 \$200 million, adjusted annually beginning with Fiscal Year 2023-2024 by the percentage
24 increase or decrease in aggregate City discretionary revenues, as determined by the Controller,
25 based on calculations consistent from year to year. In any such fiscal year, the City also may in

1 its discretion appropriate to the Fund an amount less than the amount required by subsection
2 (d)(1) or (d)(2), as applicable, provided that the City must appropriate at least \$35 million to the
3 Fund in each such fiscal year.

4 (4) Notwithstanding subsections (d)(1), (d)(2), or (d)(3), if the Controller
5 determines that there will be a Significant Reduction in Excess ERAF in any fiscal year after
6 Fiscal Year 2023-2024, then the City shall not be required to appropriate the full amount set
7 forth in subsection (d)(1) or (d)(2) for that fiscal year, but the City shall appropriate at least \$35
8 million to the Fund in that fiscal year, in the following manner and sequence: In any such fiscal
9 year, the City shall appropriate monies withdrawn from the separate reserve account under
10 subsection (d)(6) until that account has no remaining funds. If there are no remaining funds in
11 that reserve account, the City shall appropriate monies withdrawn from the City's Budget
12 Stabilization Reserve established under Charter Section 9.120. If there are no remaining funds in
13 the Budget Stabilization Reserve, the City shall appropriate monies withdrawn from other budget
14 reserve accounts established under Charter Section 9.120.

15 (5) If, at any election after November 8, 2022, the voters of the City enact a
16 special tax measure that dedicates funds for the purposes described in this Section 16.131, the
17 City may reduce the amount of appropriations in subsections (d)(1) and (d)(2) in any subsequent
18 fiscal year by the amount of special tax revenues that the City appropriates for those purposes in
19 that fiscal year.

20 (6) Reserve Account.

21 (A) The Controller shall establish a separate reserve account in the Fund
22 to facilitate additional appropriations and expenditures during fiscal years described in
23 subsections (d)(3) and (d)(4). In any fiscal year described in subsection (d)(3) or (d)(4), the City
24 may appropriate and expend funds from this separate reserve account for the purposes permitted
25

1 by this Section 16.131, provided that the total amount expended from the Fund in any fiscal year
2 shall not exceed the amount set forth for that fiscal year in subsection (d)(1) or (d)(2).

3 (B) At the end of each fiscal year, the Controller shall deposit in the
4 separate reserve account any monies that were appropriated to the Fund under subsection (d)(1)
5 or (d)(2) but that remain uncommitted, provided that the amount in the separate reserve account
6 shall not exceed \$40 million. The Controller shall return to the General Fund any additional
7 monies in the Fund that remain uncommitted.

8 (7) Monies from the Fund shall not replace, supplant, count as, or substitute for
9 funding that is included or partially included in the Children and Youth baseline requirements
10 under Section 16.108, the Public Education Enrichment Fund baseline requirements under
11 Section 16.123-2, or any other provision of this Charter that requires the City to provide funding
12 to the District or to services for children and youth.

13 * * * *

14 ~~(h) **Task Force.** By no later than March 31, 2023, the Board of Supervisors shall pass~~
15 ~~an ordinance establishing a task force to exist until at least July 31, 2024 with the purpose to~~
16 ~~provide advice to the Board and the Mayor regarding potential future sources of revenue for the~~
17 ~~Fund, including a potential special tax measure that would dedicate funds for the purposes~~
18 ~~described in this Section 16.131.~~

1 (*ih*) **Expiration.** This Section 16.131 shall expire by operation of law on December 31,
2 2038, following which the City Attorney may cause it to be removed from the Charter unless the
3 Section is extended by the voters.

4
5 **APPROVED AS TO FORM:**
6 **DAVID CHIU, City Attorney**

7 By: /s/
8 **JON GIVNER**
 Deputy City Attorney

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LEGISLATIVE DIGEST

[Charter Amendment - Student Success Fund]

Describing and setting forth a proposal to the voters at an election to be held on November 5, 2024, to amend the Charter of the City and County of San Francisco to provide that money set aside for the San Francisco Unified School District in the Student Success Fund cannot replace, supplant, count as, or substitute for other City funding for the School District or children and youth required under the Children and Youth Fund, the Public Education Enrichment Fund, or other provisions in the Charter.

Existing Law

The Charter establishes a set-aside fund called the Student Success Fund. The Student Success Fund pays for grants from the Department of Children, Youth, and Their Families (“DCYF”) to schools in the San Francisco Unified School District, or to the School District itself, to support academic achievement and social/emotional wellness of students. The Fund pays for three types of grants: Student Success Grants, Technical Assistance Grants, and District Innovation Grants.

The City must appropriate specified amounts of money to the Fund each year. In Fiscal Year 2024-2025, the City must appropriate \$35 million to the Fund, and the annual requirement will grow in future years, subject to some exceptions.

The Charter also establishes two additional set-aside funds that benefit children called the Public Education Enrichment Fund (the “PEEF”) and the Children and Youth Fund. Those funds provide funding each year for public education and for children and youth services, respectively. In order to ensure that these set-aside funds increase the City’s total expenditures on public education and youth services, rather than replacing other sources of funding, both the PEEF and the Children and Youth Fund require the City to spend a certain amount of money every year (the “baseline” amount) for these purposes, using money that is separate from the set-aside funds.

Amendments to Current Law

The proposed Charter amendment would prohibit the City from counting expenditures from the Student Success Fund when calculating the Children and Youth Fund baseline, the PEEF baseline, or any other similar provisions in the Charter. The Charter amendment would require the City to spend money other than the Student Success Fund to meet these baseline requirements.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carol Isen, Director, Department of Human Resources

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: June 14, 2024

SUBJECT: LEGISLATION INTRODUCED – MEET AND CONFER DETERMINATION

The Board of Supervisors' Rules Committee has received the following Charter Amendment. This matter is being **referred** to you as it may require the Department of Human Resources to fulfill **"Meet and Confer"** requirements. Please review, assess the impact and provide proper noticing as required and report back to on the status of the "Meet and Confer" requirement.

File No. 240676 (ver1)

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that money set aside for the San Francisco Unified School District in the Student Success Fund cannot replace, supplant, count as, or substitute for other City funding for the School District or children and youth required under the Children and Youth Fund, the Public Education Enrichment Fund, or other provisions in the Charter; at an election to be held on November 5, 2024.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM THE DEPARTMENT OF HUMAN RESOURCES - Date: _____

- ☐ Meet and Confer requirement has been fulfilled.
- ☒ Meet and Confer requirement not applicable.
- ☐ Additional information attached.

Mawuli Tugbenyoh
Department of Human Resources

c: Mawuli Tugbenyoh, Department of Human Resources
Aliya Chisti, Department of Human Resources

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MEMORANDUM

TO: Greg Wagner, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

A handwritten signature in cursive script that reads "Victor Young".

DATE: June 14, 2024

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 5, 2024, Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 5, 2024, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.3.

File No. 240676 (ver1)

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that money set aside for the San Francisco Unified School District in the Student Success Fund cannot replace, supplant, count as, or substitute for other City funding for the School District or children and youth required under the Children and Youth Fund, the Public Education Enrichment Fund, or other provisions in the Charter; at an election to be held on November 5, 2024.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the Controller
Natasha Mihal, Office of the Controller
Janice Levy, Office of the Controller


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MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
Patrick Ford, Executive Director, Ethics Commission
Dr. Matt Wayne, Superintendent, SFUSD waynem@sfusd.edu

FROM: Victor Young, Assistant Clerk, Rules Committee 
Board of Supervisors

DATE: June 14, 2024

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 5, 2024

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 5, 2024, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

File No. 240676 (ver1)

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that money set aside for the San Francisco Unified School District in the Student Success Fund cannot replace, supplant, count as, or substitute for other City funding for the School District or children and youth required under the Children and Youth Fund, the Public Education Enrichment Fund, or other provisions in the Charter; at an election to be held on November 5, 2024.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Michael Canning, Ethics Commission
Andres Power, Mayor's Office
Laura Melgarejo, SFUSD melgarejo1@sfusd.edu
Chris Armentrout, SFUSD armentroutc@sfusd.edu
Danielle Houck, SFUSD daniellehouck@sfusd.edu

Marin Trujillo, SFUSD trujillocm@sfusd.edu
Judson Steele, SFUSD steelej1@sfusd.edu
Mele Lau Smith, SFUSD lausmithm@sfusd.edu

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 14, 2024
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 240676
Charter Amendment - Student Success Fund

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☐ Ordinance / Resolution
 - ☒ Ballot Measure
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.

BOARD of SUPERVISORS



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MEMORANDUM

TO: Alondra Esquivel-Garcia, Director, Youth Commission
Joshua Rudy Ochoa, Youth Commission

FROM: Victor Young, Assistant Clerk, *Victor Young*
Rules Committee

DATE: June 15, 2024

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Rules Committee has received the following Charter Amendment. This item is being referred for comment and recommendation.

File No. 240676

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that money set aside for the San Francisco Unified School District in the Student Success Fund cannot replace, supplant, count as, or substitute for other City funding for the School District or children and youth required under the Children and Youth Fund, the Public Education Enrichment Fund, or other provisions in the Charter; at an election to be held on November 5, 2024.

Please return this cover sheet with the Commission's response to Victor Young, Assistant Clerk, Rules Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

____ No Comment
____ Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 14, 2024
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 240676
Charter Amendment - Student Success Fund

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
- ☐ Ordinance / Resolution
- ☒ Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
07/03/2024 *[Signature]*
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
- ☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
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- ☐ Historic Preservation Commission
- ☐ Landmark (*Planning Code, Section 1004.3*)
- ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
- ☐ Mills Act Contract (*Government Code, Section 50280*)
- ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.